

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JERILYNN MCKINNEY,	:	
	:	
Plaintiff,	:	Case No. 3:20-cv-00037
	:	
v.	:	Judge Thomas M. Rose
	:	
WAL-MART, INC.,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER FINDING DEFENDANT’S PARTIAL MOTION TO
DISMISS PLAINTIFF’S COMPLAINT (DOC. 3) MOOT**

On January 30, 2020, Plaintiff Jerilynn McKinney (“Plaintiff”) filed her Complaint in this case. (Doc. 1.) The Complaint has four counts: (1) Violation of Title VII – Disparate Treatment on the Basis of Pay in Wal-Mart; (2) Violation of Title VII – Disparate Treatment on the Basis of Promotion; (3) Violation of Title VII – Disparate Impact on the Basis of Pay; and (4) Violation of Title VII – Disparate Impact on the Basis of Promotion. (*Id.* at PAGEID # 7-14.) On February 20, 2020, Defendant Wal-mart, Inc. (“Defendant”) filed a Partial Motion to Dismiss Plaintiff’s Complaint. (Doc. 3.) In that motion, Defendant moves the Court to dismiss Plaintiff’s disparate impact claims (i.e. Counts 3 and 4). (*Id.*) On March 9, 2020, Plaintiff filed a Stipulation of Withdrawal of Disparate Impact Claims, in which Plaintiff “stipulates that she is not bringing any claim for disparate impact, either for pay or promotion.” (Doc. 5.)

In light of Plaintiff’s Stipulation, the Court finds that Plaintiff is not pursuing, and has withdrawn, Counts 3 and 4 from her Complaint. Therefore, Defendant’s Partial Motion to

Dismiss Plaintiff's Complaint (Doc. 3) is **MOOT**. Defendant is **ORDERED** to answer or otherwise respond to the Complaint on or before March 30, 2020.

DONE and **ORDERED** in Dayton, Ohio, this Friday, March 13, 2020.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE